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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURO V. PEREZ,)	
)	
Petitioner,)	CASE NO. 2:07-cv-00544-RSL-JLW
)	
v.)	
)	ORDER DIRECTING RESPONDENT
D. K. SISTO,)	TO SUPPLEMENT THE RECORD
)	
Respondent.)	
_____)	


This is a federal habeas action brought pursuant to 28 U.S.C. § 2254. Petitioner’s federal habeas petition is ripe for consideration. It is evident from an initial review of the record, however, that additional briefing is required in order for this Court to properly adjudicate this case. Specifically, this Court needs to obtain petitioner’s 1998, 2001 and 2004 parole consideration hearing transcripts to determine whether there is “some evidence” to support the Board of Parole Hearings of the State of California’s finding that petitioner’s version of the facts surrounding his criminal offense has varied over the years.¹ (*See* Dkt. 15,

¹ The Board of Parole Hearings replaced the Board of Prison Terms, which was abolished on July 1, 2005. *See* California Penal Code § 5075(a).

01 Exh. C at 67.) Although it is not entirely clear at this juncture whether the information
02 requested below will affect the Court's ultimate disposition of the petition, it is prudent for
03 this Court to review all the evidence upon which the Board expressly relied. Accordingly, the
04 Court hereby ORDERS as follows:

- 05 (1) Within fourteen (14) days of the date of this Order, respondent shall furnish the
06 Court with a copy of the 1998, 2001, and 2004 parole consideration hearing
07 transcripts;
08 (2) If any of the above-mentioned transcripts are unavailable, respondent should,
09 within fourteen (14) days of the date of this Order, inform this Court with
10 specificity as to their unavailability;
11 (3) No additional briefing is required or requested; and
12 (4) The Clerk is directed to send copies of this Order to petitioner, to counsel for
13 respondent, and to the Honorable Robert S. Lasnik.

14 DATED this 6th day of August, 2009.

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17 JOHN L. WEINBERG
18 United States Magistrate Judge
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